TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Michael Ake
Interim Chief of Police

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE**: November 17, 2021
Internal Affairs Section

SUBJECT: **CITY CONDUCT COMPLAINT 21COM-0046**

Complainant:
Ms. Dessdeni S. Bearden
253.258.37401
253.248.5897

On May 2, 2021, Ms. Dessdeni Bearden contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 21COM-0046.

Allegation(s): Unsatisfactory Performance

COMPLAINT SUMMARY
Ms. Bearden complained that two officers were rude and dismissive of her concerns.

INVESTIGATION
The complaint was forwarded to the Operations Bureau, which reported the following:

Ms. Bearden was contacted regarding her complaint. She reported she was living in the garage at 2810 Marine View Drive. While she was in the garage, a car pulled up and a person in a car was yelling at her. Ms. Bearden felt intimidated and believed this person had worked with her landlord, Karl, to break into her room, so she called South Sound 911 (SS911). When Officer Hauswirth and Officer Pingul arrived, she told them she needed to report she had been robbed, that there was an attempt to break into her room; the officers told her she was not robbed. She said the officers made fun of her because she used the wrong term (robbed). Ms. Bearden stated she was missing personal legal documents from a theft and was trying to get help to be kept from being kicked out onto the street. Ms. Bearden had a letter from the Attorney General saying Karl needed to comply with the eviction moratorium, but the officers would not listen to her. When the officers asked her if she wanted to make a theft report, she told them she no longer wanted to because she felt intimidated. Ms. Bearden said the officers told her they spoke to Karl, and he said she was not allowed to be on the property. She complained the officers argued with her saying, "I'm a cop. You're not a cop. You're not protected by the moratorium and you need to leave." Ms. Bearden felt she was lied to by the police when they said they spoke to Karl. Ms. Bearden's friend told her the police spoke to the landlord's girlfriend and did not talk to Karl.

Ms. Bearden stated she called a second time that night and Officer Hauswirth and Officer Pingul again responded saying, "Why am I back here?" She believed the officers were assisting with an illegal eviction and repeatedly told her she had to leave.

Body worn camera footage was reviewed from both officers. Officer Pingul arrived first and spoke with two individuals who were in front of the residence. One of those individuals told Officer Pingul that Ms. Bearden was inside the garage. Officer Pingul called out to Ms. Bearden to come out to talk to him, with no response. He then continued to speak with the two individuals out front. One of the individuals attempted to call Karl, but Karl's wife, Ho Galer, answered instead. Over speakerphone, it was learned that Ms. Bearden was the person on-site that was not allowed to be there. During that time, Officer Pingul determined Ms. Bearden was the 911 caller. When Officer Hauswirth arrived on scene, both officers discussed the situation and determined from prior calls that Ms.

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Bearden was renting a different location from Karl. Both officers agreed this was a civil matter and the landlord will need to go through the Pierce County eviction process. Both officers attempted to contact Ms. Bearden. Officer Pingul knocked on the garage door and stated, "Can you come out here please? It's the Tacoma Police Department." Ms. Bearden exited the garage and Officer Pingul advised her that the subjects in the upstairs area of the residence were allowed to be there based on his conversation with Karl's wife. Ms. Bearden argued with Officer Pingul that it is not his wife, that it is his girlfriend. During the interaction, Ms. Bearden stated she was robbed. Officer Hauswirth responded, "Okay, you weren't robbed…" and as he attempted to clarify the definition of robbery versus burglary, Ms. Bearden interrupted him. As he continued to explain the difference, she walked away and said the officers won't listen to her. Ms. Bearden then walked back into the garage and told them she is finished speaking with them and said, "Have a nice day, I guess." Officer Pingul provided Ms. Bearden with a blue incident card by leaving it on the rockery just outside the garage door. He also verbally told her where he placed the card. The officers walked away and Ms. Bearden came back out of the garage and alleged a theft. Both officers offered to write a theft report for her; she seemed agreeable to filing the report. She then walked away for about 2 minutes. Officer Pingul took out his notebook to get the information for the report, and she declined to file the report. Neither video recorded Officer Hauswirth or Officer Pingul make the statement, "I'm a cop. You're not a cop. You're not protected by the moratorium and you need to leave." It was viewed where the officers attempted to correct her on her knowledge of a burglary versus a robbery, but they did not make fun of her.

Later in the evening, both officers were dispatched to the same location. Officer Hauswirth's body worn camera was reviewed as Officer Pingul arrived after Ms. Bearden left. Officer Hauswirth asked Ms. Bearden, "Why am I back?" She told him she is going to complain because he is not handling the situation appropriately and he is not supposed to assist "them" with an eviction. Officer Hauswirth told Ms. Bearden her option is to work through this issue with the state. She then told Officer Hauswirth that she is calling in a complaint. He walked away from the vehicle and advised Dispatch of this over the radio. He then stood silently approximately 10 to 15 feet away from the vehicle while she called SS911.

Officer Hauswirth and Officer Pingul were interviewed regarding this complaint. They advised that Ms. Bearden is renting from Karl and paying rent for a location other than 2810 Marine View Drive. She told Karl the living conditions were unacceptable, and he then offered to let her stay in the garage at 2810 Marine View Drive; however, she is still paying rent for the other location. They advised that Ms. Bearden was upset that there were people upstairs, and she wanted them to leave. According to Karl's wife, everyone upstairs was allowed to be there, and Ms. Bearden had no claim to the upstairs portion of the residence.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Hauswirth, Officer Pingul, and review of the body worn cameras. The investigation was reviewed by the officers' chain of command. The allegation of Unsatisfactory Performance against the involved officers is concluded as **Exonerated,** which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.

SWSP For

Michael Ake
Interim Chief of Police

12/14/21
Date

/man

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